APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/222,340	12/28/98	TERRELL	W	82771.P279

TM02/1002

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EXAMINER
VAUGHN JR.W

ART UNIT	PAPER NUMBER
2152	4

DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *29 January 1999* .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

1.   This Action is in response to the most recent correspondence received on 29 January

1999.

2.   The application has been examined. **Claims 1-15** are pending. The objection and

rejections are as stated below:

Drawings

3.   This application has been filed with informal drawings, which are acceptable for

examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et

al. (Thomas), U.S. Patent No. 6,148,336 in view of Schneider et al. (Schneider), U.S. Patent No.

6,178,505.

5.   Regarding **claim 1**, Thomas discloses the invention substantially as claimed. Thomas

discloses an apparatus comprising a network interface, through which the apparatus facilitates

communication between a client device and a remote device at any of a number of alternative

service levels and controller, coupled to the network interface controller [see Thomas, Figure 3,

Col. 2, lines 30-67, Col. 3, lines 1-67, Col. 4, lines 1-67, Col. 5, lines 1-24, Col. 7, lines 60-67,

Col. 8, lines 1-67]. However, Thomas does not explicitly disclose to dynamically create and

remove filters controlling access to the different service levels based, at least in part, on an admission profile.

6.   In the same field of endeavor, Schneider discloses in an analogous art (e.g. secure delivery of information in a network). Schneider discloses to dynamically create and remove filters controlling access to the different service levels based, at least in part, on an admission profile (Schneider teaches that access filters may be added or deleted using the add and delete buttons in a button bar as well as a administrators whom the policy allows for the editing, adding, deleting, and activating or deactivating a particular policy definition), [see Schneider, Col. 24, lines 15-67].

7.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Schneider's teachings of secure delivery of information in a network with the teachings of Thomas, for the purpose of providing only needed authentication and encryption security as a required, for a given user, a given path through the network, and a given resource [see Schneider, Col. 5, lines 67 and Col. 6, lines 1-3], this system further enhances the system of Thomas, in which Thomas provides the motivation to combine by wanting to solve the problem of filtering when only necessary by service providers [see Thomas, Col. 6, lines 34-67]. By this rationale **claim 1** is rejected.

8.   Regarding **claim 2**, Thomas-Schneider further discloses wherein the filters, when triggered, initiate an admission control decision preventing allocation of service level resources which are not yet required or authorized [see Thomas, Col. 5, lines 7-22]. By this rationale **claim 2** is rejected.

9.   Regarding **claim 3**, Thomas-Schneider further discloses wherein the filters are triggered

by information contained within received data packets [see Thomas, Col. 5, lines 7-53]. By this

rationale **claim 3** is rejected.

10.   Regarding **claim 4**, Thomas-Schneider further discloses wherein the filters are triggered

by one or both of packet source information and packet destination information [see Thomas,

Col. 9, lines 62-67 and Col. 10, lines 1-5]. By this rationale **claim 4** is rejected.

11.   Regarding **claim 5**, Thomas-Schneider further discloses wherein the admission profile is

stored in a communicatively coupled remote device [see Thomas, Figure 3]. By this rationale

claim 5 is rejected.

12.   Regarding **claim 6**, Thomas-Schneider further discloses wherein the communicatively

coupled remote device is a bandwidth broker or other generic policy server [see Thomas, Figure

3 and Schneider, Figures 1-7]. By this rationale **claim 6** is rejected.

13.   Regarding **claim 7**, Thomas-Schneider further discloses wherein the admission profile is

available locally within the apparatus [see Thomas, Figure 3 and Schneider Figures 1-7]. By this

rationale **claim 7** is rejected.

14.   Regarding **claim 8**, Thomas-Schneider further discloses wherein the controller

establishes an ingress profile in response to detecting an associated trigger event, wherein the

ingress profile modifies the received data packets adhering to the filter criteria to denote a

particular service level, in accordance with the admissions profile [see Schneider, Col. 33, lines

14-55]. By this rationale **claim 8** is rejected.

15.   Regarding **claim 9**, Thomas-Schneider further discloses wherein the controller removes

ingress profiles when data packet adhering to the filter criteria are no longer received, liberating

apparatus resources [see Schneider, Col. 26, lines 50-67]. By this rationale **claim 9** is rejected.

16.   Regarding **claim 10**, Thomas-Schneider further discloses wherein the controller removes

ingress profiles after a predetermined period of time, liberating apparatus resources [see

Schneider, Col. 32, lines 39-45]. By this rationale **claim 10** is rejected.

17.   Regarding **claim 11**, Thomas-Schneider further discloses wherein the controller removes

filters in accordance with a network administration policy [see rejection of **claim 1, supra**]. By

this rationale **claim 11** is rejected.

18.   Regarding **claim 12**, Thomas-Schneider further discloses wherein the controller removes

filters based, at least in part, on time-of-day [see Schneider, Figure 12, Col. 24, lines 61-67]. By

this rationale **claim 12** is rejected.

19.   Regarding **claim 13**, Thomas-Schneider further discloses a method for controlling

provisions of differentiated services in a data network [see Thomas, Col. 2, lines 30-67, Col. 4,

lines 48-67, Col. 5, lines 1-54], the method comprising installing a filter on a network edge

device to provide a trigger notification upon detecting data packets adhering to filter criteria, in

accordance with a network administration policy [see rejection of **claim 1, supra**] and

dynamically creating an ingress profiler which polices admission to a particular service level

(Thomas teaches that it is well known in the art to apply polices in determining which packets to

transmit or delay), [see Thomas, Col. 2, lines 40-45, see also **claim 1, supra**]. By this rationale

claim 13 is rejected.

20.   Regarding **claim 14**, Thomas-Schneider further discloses further comprising marking the received data packets adhering to the filter criteria according to a subscribed service level [see Thomas, Col. 6, lines 21-67]. By this rationale **claim14** is rejected.

21.   Regarding **claim 15**, Thomas-Schneider further disclose wherein the ingress profiler polices admission to a particular service level by allowing only those received data packets adhering to the filter criteria of a particular service level to proceed at that service level [see Thomas, Col. 2, lines 45-65]. By this rationale **claim 15** is rejected.
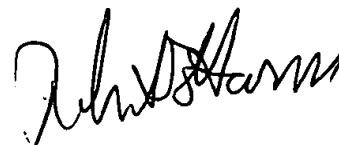
Conclusion

22.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for this organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

WcV

**WCV
Patent Examiner
Art Unit 2152
September 29, 2001**

ROBERT B. HARRELL
PRIMARY EXAMINER